

Remarks

Claims 1-21 are pending. Claim 9 has been canceled by this amendment.

Claims 1-7 and 9-21 were rejected under 35 USC 103(a) as being unpatentable over Chang et al. (US Patent No. 6,700,956) in view of Holmquist et al. (US Patent No. 5,602,846).

Chang discloses a subscriber line interface circuit (SLIC) designed for a private user at the user's home that allows a user to use either Internet telephony or PSTN telephony to make calls and switch between them. See col. 6, lines 35-44. The office action alleges that this is analogous to a PBX and relies upon Holmquist to render the claims obvious.

However, the use of a PBX gives rise to issues that do not occur and therefore are not addressed by Chang. Whether the user has a SLIC as in Chang or not, the user has no need to signal another unit that the phone is busy. In a PBX system, if a user wants to make a call outside the PBX, the PBX needs to be signaled that the phone is busy, or the PBX will continue to route calls to that phone. A private user makes all of the calls outside a PBX or a PBX-like apparatus.

Further, the invention as claimed in claims 1, 10, 14 and 18, requires that the off-hook signal be sent to the PBX. For example, claim 10 requires, "transmitting an off-hook indicator to the PBX that the PBX-connected telephone is temporarily incapable of receiving calls..." Claim 1 has been amended to include a similar limitation, and claims 14 and 18 already have a similar limitation. When the user makes a call through the local PSTN in the claimed invention, the PBX does not 'know' that the phone is busy and must be explicitly signaled that it is busy. Chang does not need to send an explicit signal to indicate that the phone is off the hook, when the phone is off the hook it is automatically detected. See col. 8, lines 57-62.

Even further, in the claimed invention the off-hook indicator or signal informs the PBX that the PBX-connected telephone is ‘temporarily incapable of receiving calls.’ In Chang, the off-hook signal merely activates the SLIC to place one or the other calls. See col. 8, lines 57-62. No signal needs to be actively transmitted to the SLIC, as the SLIC is connected to the phone jack (col. 5, lines 39-65).

Similarly, when the user hangs up, the SLIC is capable of detecting this hang up by itself. No active signal need be transmitted to remove the off-hook indicator as occurs in the claimed invention. Claim 1 has been amended to more clearly require, “transmitting a signal to remove the off-hook indicator from the PBX upon detection of termination.” Claims 10, 14 and 18 already require transmission of a signal to indicate termination of the call.

Holmquist, as discussed in previous responses, does not cure the deficiencies of Chang with regard to transmission of the signals.

It is therefore submitted that claims 1-7, and 10-21 are patentably distinguishable over Chang and allowance of these claims is requested.

Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Chang et al. and Holmquist et al. in view of Brilla et al. (U.S. Patent No. 6,389,276).

The addition of Brilla to the combination of Chang and Holmquist does not cure the deficiencies set out above with regard to claim 1, from which claim 8 depends. It is therefore submitted that claim 8 is patentably distinguishable over the prior art and allowance of this claim is requested.

The prior art made of record and not relied upon has been reviewed and is not considered pertinent to Applicant's disclosure. No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an additional interview would be helpful in advancing the case.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Julie L. Reed
Julie L. Reed
Reg. No. 35,349

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison St., Suite 400
Portland, OR 97204
503-222-3613

CLAIMS AS AMENDED					
For:	Number After Amendment	Previous Number	Extra	Rate	Additional Fee
Total Claims	20	21*		x \$50 =	\$ -0-
Independent Claims	4	4**		x \$200 =	\$ -0-
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$ -0-

*greater of twenty (20) or number for which fee has been paid

**greater of three (3) or number for which fee has been paid

Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.